

# HOUSE BILL No. 1102

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-12-2; IC 12-23-19-1.

**Synopsis:** Criminal justice matters. Requires the commissioner of correction to coordinate with the division of mental health and addiction when issuing community corrections and court supervised recidivism reduction program grants. Requires collaboration among: (1) the probation department; (2) the community corrections program; and (3) any other local criminal justice agency that receives funding from the department of correction; when creating a community corrections plan. Encourages counties to include the courts, prosecuting attorneys, public defenders, and sheriffs when creating a community corrections plan. Provides that mental health and forensic addiction treatment services shall be made available to individuals who: (1) have been charged with a felony offense; or (2) have a prior felony conviction; if the individuals are eligible for placement with a pretrial services program, community corrections program, prosecuting attorney's diversion program, or jail.

**Effective:** July 1, 2016.

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## Steuerwald

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January 5, 2016, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1102

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A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 11-12-2-1, AS AMENDED BY THE TECHNICAL  
2       CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS  
3       AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:  
4       Sec. 1. (a) For the purpose of encouraging counties to develop a  
5       coordinated local corrections-criminal justice system and providing  
6       effective alternatives to imprisonment at the state level, the  
7       commissioner shall, out of funds appropriated for such purposes, make  
8       grants to counties for the establishment and operation of community  
9       corrections programs and court supervised recidivism reduction  
10      programs. Appropriations intended for this purpose may not be used by  
11      the department for any other purpose. Money appropriated to the  
12      department of correction for the purpose of making grants under this  
13      chapter and any financial aid payments suspended under section 6 of  
14      this chapter do not revert to the state general fund at the close of any  
15      fiscal year, but remain available to the department of correction for its  
16      use in making grants under this chapter.  
17      (b) Before March 1 of each year, the department shall estimate the



amount of any operational cost savings that will be realized in the state fiscal year ending June 30 from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs and court supervised recidivism reduction programs from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivision (2) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars (\$11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year, and the amount of the department's appropriation for operating expenses for the state fiscal year is reduced by a corresponding amount.

(c) The commissioner shall ~~give priority~~ **coordinate with the division of mental health and addiction** in issuing community corrections and court supervised recidivism reduction program grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, intellectual disabilities, and developmental disabilities. Programs for addictive disorders may include:

(1) addiction counseling;



- (2) inpatient detoxification; **and**
- (3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(d) Grants awarded under this chapter:

- (1) must focus on funding evidence based programs, including programs that address cognitive behavior, that have as a primary goal the purpose of reforming offenders; and
- (2) may be used for technology based programs, including an electronic monitoring program.

(e) Before the tenth day of each month, the department shall compile the following information with respect to the previous month:

- (1) The number of persons committed to the department.
- (2) The number of persons:
  - (A) confined in a department facility;
  - (B) participating in a community corrections program; and
  - (C) confined in a local jail under contract with or on behalf of the department.
- (3) For each facility operated by the department:
  - (A) the number of beds in each facility;
  - (B) the number of inmates housed in the facility;
  - (C) the highest felony classification of each inmate housed in the facility; and
  - (D) a list of all felonies for which persons housed in the facility have been sentenced.

(f) The department shall:

- (1) quarterly submit a report to the budget committee; and
- (2) monthly submit a report to the justice reinvestment advisory council (as established in IC 33-38-9.5-2);

of the information compiled by the department under subsection (e). The report to the budget committee must be submitted in a form approved by the budget committee, and the report to the advisory council must be in a form approved by the advisory council.

SECTION 2. IC 11-12-2-4, AS AMENDED BY P.L.179-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A county or group of counties, or a court or a group of courts, seeking financial aid under this chapter must apply to the commissioner in a manner and form prescribed by the commissioner. If the application is for a community corrections program, the application must include a community corrections plan that has been approved by the community corrections board and the county executive or, in a county having a consolidated city, by the



city-county council. If the application is for a court supervised recidivism reduction program, the application must include information required by the department. If:

(1) the application is from a county (not including a court); and

(2) the county operates a community corrections program;

the application must be approved by the community corrections advisory board. The commissioner shall give priority consideration to applicants that demonstrate collaboration between the local community corrections advisory board and court supervised recidivism reduction programs. No county may receive financial aid until its application is approved by the commissioner.

(b) A community corrections plan must comply with rules adopted under section 5 of this chapter and must include:

(1) a description of each program for which financial aid is sought;

(2) the purpose, objective, administrative structure, staffing, and duration of the program;

(3) a method to evaluate each component of the program to determine the overall use of department approved best practices for the program;

(4) the program's total operating budget, including all other sources of anticipated income;

(5) the amount of community involvement and client participation in the program;

(6) the location and description of facilities that will be used in the program;

(7) the manner in which counties that jointly apply for financial aid under this chapter will operate a coordinated community corrections program; and

(8) a plan of collaboration ~~between~~ **among** the probation department, ~~and~~ the community corrections program, **and any other local criminal justice agency that receives funding from the department** for the provision of community supervision for adult offenders. **Counties are encouraged to include the courts, prosecuting attorneys, public defenders, and sheriffs when addressing the needs of the local criminal justice population.**

The community supervision collaboration plan must be submitted to the department and the Indiana judicial center by January 1, 2016, and must include:

(A) a description of the evidence based services provided to felony offenders by the community corrections program and the probation department;



(B) the manner in which the community corrections program and the probation department intend to reduce the duplication of services to offenders under community supervision;

(C) the manner in which the community corrections program and the probation department intend to coordinate operations and collaborate on the supervision of adult felony offenders;

(D) the eligibility criteria established for community based services provided to adult felony offenders;

(E) the criteria for using the community corrections program as an intermediate sanction for an offender's violation of probation conditions;

(F) a description of how financial aid from the department, program fees, and probation user fees will be used to provide services to adult felony offenders; and

(G) documentary evidence of compliance with department rules for community corrections programs and judicial conference of Indiana standards for probation departments.

(c) A community corrections plan must be annually updated, approved by the county executive or, in a city having a consolidated city, by the city-county council, and submitted to the commissioner.

(d) No amendment to or substantial modification of an approved community corrections plan may be placed in effect until the department and county executive, or in a county having a consolidated city, the city-county council, have approved the amendment or modification.

(e) A copy of the final plan as approved by the department shall be made available to the board in a timely manner.

(f) The commissioner may, subject to availability of funds, give priority in issuing additional financial aid to counties with a community supervision collaboration plan approved by the department and the Indiana judicial center. The additional financial aid may be used for any evidence based service or program in the approved plan.

(g) Purposes for which the commissioner may award financial aid under this chapter include:

(1) assisting a county in defraying the expenses of incarceration;

(2) funding mental health, addiction, and cognitive behavior treatment programs for incarcerated persons;

(3) funding mental health, addiction, and cognitive behavior treatment programs for persons who are on probation, are supervised by a community corrections program, or are participating in a pretrial diversion program offered by a prosecuting attorney;



(4) funding work release and other community corrections programs; and

(5) reimbursing a county for probation officer and community correction officer salaries.

SECTION 3. IC 12-23-19-1, AS ADDED BY P.L.209-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "mental health and addiction forensic treatment services" means evidence based treatment and recovery wraparound support services provided to individuals **in the criminal justice system who have entered the criminal justice system as a felon are charged with a felony offense, or with have a prior felony conviction, or who and have been placed or are eligible to be placed in a pretrial services program, community corrections program, prosecuting attorney's diversion program, or jail as an alternative to commitment to the department of correction. The term includes:**

(1) mental health and substance abuse treatment, including:

(A) addiction counseling;

(B) inpatient detoxification;

(C) case management;

(D) daily living skills; and

(E) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence;

(2) vocational services;

(3) housing assistance;

(4) community support services;

(5) care coordination;

(6) transportation assistance; and

(7) mental health and substance abuse assessments.

